
**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH**

MARK O.,

Plaintiff,

v.

MICHELLE A. KING,

Defendant.

**ORDER AFFIRMING & ADOPTING
REPORT & RECOMMENDATION**

Case No. 1:22-CV-173-DAK-DAO

Judge Dale A. Kimball

Magistrate Judge Daphne A. Oberg

This action against the Commissioner of the Social Security Administration for judicial review of Social Security Administration's denial of disability benefits was assigned to United States District Court Judge Dale A. Kimball, who then referred the case to United States Magistrate Judge Daphne A. Oberg under 28 U.S.C. § 636(b)(1)(B). On January 8, 2025, Magistrate Judge Oberg issued a Report and Recommendation [ECF No. 29], recommending that the district judge affirm the Commissioner's decision because the record shows that substantial evidence supports the ALJ's findings regarding functional capacity and Plaintiff's remaining arguments are waived.

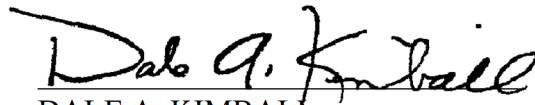
The Report and Recommendation notified the parties that any objection to the Report and Recommendation must be filed within fourteen days of receiving it. As of the date of this Order, neither party has submitted an objection and the deadline for submitting an objection has passed.

A Magistrate Judge's Report and Recommendation is subject to *de novo* review by this court. *See* 28 U.S.C. § 636(b)(1)(B); *see also* Fed. R. Civ. P. 72(b). The court has reviewed the

Report and Recommendation and the record *de novo* and agrees with Magistrate Judge Oberg's recommendation and analysis. Therefore, the court adopts and affirms Magistrate Judge Oberg's Report and Recommendation in its entirety as the order of the court. Accordingly, the court affirms the Commissioner's decision.

DATED this 4th day of January 2025.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Dale A. Kimball", written over a horizontal line.

DALE A. KIMBALL
United States District Judge